

Swain

## DEFENDANTS

Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities, LLC

## ATTORNEYS (IF KNOWN)

David J. Sheehan  
Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111  
Telephone: (212) 589-4216

An appeal of the Bankruptcy Court's denial of intervention pursuant to 28 U.S.C. § 158(a)(1) [or in the alternative, Fed. R. Bank. 9033]

Has this or a similar case been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned **Jed S. Rakoff**

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. see Appendix B

IS THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

## OTHER STATUTES

{ 400 STATE  
REAPPORTIONMENT  
{ 410 ANTITRUST  
{ 430 BANKS & BANKING  
{ 450 COMMERCE  
{ 460 DEPORTATION  
{ 470 RACKETEER INFLU-  
ENCED & CORRUPT  
ORGANIZATION ACT  
(RICO)  
{ 480 CONSUMER CREDIT  
{ 490 CABLE/SATELLITE TV  
{ 810 SELECTIVE SERVICE  
{ 850 SECURITIES/

## CIVIL RIGHTS

[ ] 550 CIVIL RIGHTS  
[ ] 555 PRISON CONDITION

## IMMIGRATION

- ☐ 462 NATURALIZATION APPLICATION
- ☐ 463 HABEAS CORPUS-ALIEN DETAINEE
- ☐ 465 OTHER IMMIGRATION ACTIONS

[ ] 870 TAXES (U.S. Plaintiff or Defendant)  
[ ] 871 IRS-THIRD PARTY  
26 USC 7609

{ 900 FREEDOM OF INFORMATION ACT  
{ 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE  
{ 950 CONSTITUTIONALITY OF STATE STATUTES

[ ] 210	LAND CONDEMNATION
[ ] 220	FORECLOSURE
[ ] 230	RENT LEASE & EJECTMENT
[ ] 240	TORTS TO LAND
[ ] 245	TORT PRODUCT LIABILITY
[ ] 290	ALL OTHER REAL PROPERTY

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ OTHER JUDGE Jed S. Rakoff DOCKET NUMBER 12-mc-115

**NOTE:** Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1332, 1441)

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] 1 [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] 5 [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2 [ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6 [ ] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 2/15/2013 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

☒ YES (DATE ADMITTED Mo. Dec. Yr. 2005)  
Attorney Bar Code # DB-6872

RECEIPT # 9177372

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)